

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 375 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KHODABHAI NANABHAI RATHODIYA

Versus

STATE OF GUJARAT

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Appearance:

THROUGH JAIL for Petitioner  
MR UR BHATT ADDL.PUBLIC PROSECUTOR  
for Respondents

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 28/04/98

ORAL JUDGEMENT

Rule. Mr. Kamal Mehta, learned APP waives the service of Rule for the respondents.

2. The petitioner, undergoing sentenced inflicted, prays for being released on Parole because he wishes to prefer SLP before the Supreme Court.

3. Mr.Kamal Mehta, learned APP objects to the grant of the application and tenders the report of the Deputy Jailor. The same be taken on record.

4. A perusal of the report of the Deputy Jailor reveals that uptill now, the petitioner has enjoyed neither Parole nor Furlough and his conduct in the Jail is quite good. The Jailor has found no cause to complain against the petitioner. Further the petitioner had a right to file a petition before the Supreme Court for redressal of his grievances and for that purpose,he will have to seek legal aid which is available only, if he personally approaches the concerned authority at Delhi. In view of the fact, the application is required be allowed.The same is accordingly allowed. The petitioner is ordered to be released on Parole for a period of FIFTEEN days from the date of his release, on his executing the bond of Rs.1,000/- (Rs. One thousand only) with one surety of the like amount or depositing the said amount in cash with the Jailor and executing the personal bond thereof and on further condition that he shall give his true and correct address to the Jailor for his contact, and will also submit to the Jailor his programme indicating on what date, where he would be and to whom he can be contacted. He shall surrender back to the Jail custody latest by 16-00 hrs. on the last day of the above stated period of Parole.

3. It will be open to the Jailor to impose any other condition, not running counter to the aforesaid conditions or contrary to the law and rules applicable.

4. In case of breach of any of the conditions imposed, it will be open to the Jailor to forfeit the aforesaid bond amount and also to impose any other penalty permissible in law.

Rule accordingly made absolute.

Date: 28/4/1998. (H.R.SHELAT,J.)  
(ccs)